Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/593,908	SUN ET AL.	
Examiner	Art Unit	
SHANNON JANSSEN	1639	

1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance, with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) ☐ The period for reply expires on: (1) the mailing date of this native periods: a) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than 31% MONTHS from the mailing date of the final rejection. Examiner Note: if No. 1 is decided, check either box (a) or (6), ONLY-CHECK BOX (b) (WHEN THE FIRRST REPLY-WAS FILED WITHIN TWO MONTHS OF THE FIRAL REJECTION. See MFEF 708.07(f). Extension River in Note: if No. 1 is decided, check either box (a) or (6), ONLY-CHECK BOX (b) (WHEN THE FIRRST REPLY-WAS FILED WITHIN TWO MONTHS OF THE FIRAL REJECTION. See MFEF 708.07(f). Extension River and the may be obtained under 37 CFR 1.135(g). The date early with the petition under 37 CFR 1.136(g) and the appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration fee of the first period of the petition under 37 CFR 1.136(g) and the appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration fee of the first period of the petition under 37 CFR 1.136(g) and the appropriate extension fee under 37 CFR 1.17(a) is accordance and the first period of th		
1. ☑ The repty was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 11.11. The repty must be filed within one of the following previous: The period for repty expires	The MAILING DATE of this communication appears on the cover sheet with the correspondence	ce address
application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expiresmorths from the mailing date of the final rejection. by The period for reply expiresmorths from the mailing date of the final rejection. Examiner Note: (Ibo x 1 is checked, check either box (2) or [b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MFEP 706.07(1). Exensions of time may be obtained under 37 CFR 1.138(a). The date on which the petition under 37 CFR 1.138(a) and the appropriate extension fee have been filed is the date for purposes of cetermining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of cetermining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of cetermining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of cetermining the period of extension and the corresponding amount of the fee. The appropriate extension fee makes the proposed in the period of the file	THE REPLY FILED <u>17 May 2010</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.	
a) ☐ The period for reply expiresmonths from the mailing date of the final rejection. b) ☐ The period for reply expires on: (1) the mailing date of the Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event however, will the statulory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Exeminer Note: If box is checked, check either box (6) or (6). VIV. CHECK BOX (6) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL RELECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.13(a). The date on which the petition under 37 CFR 1.13(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for my (1) the expiration date of the shortened statutory period for reply originarily set in final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any amend patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL. 2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☑ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☑ They raise new issues that would require further consideration and/or search (see NOTE below); (c) ☑ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See atlached continuation sheet. (See 37 CFR 1.116 and 41.33(a)). 1. ☐ The amend	application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evided application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41 for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the	ence, which places the 1.31; or (3) a Request
filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They arise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See attached conhuation sheet. (See 37 CFR 1.116 and 41.33(a)). 4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. Applicant's reply has overcome the following rejection(s): would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed:	b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection of event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the application is the date for purposes of determining the period of extension and the corresponding amount of the fee. The a under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the fire	I rejection. WAS FILED WITHIN TWO propriate extension fee appropriate extension fee nal Office action; or (2) as
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